IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6580 OF 2005

1. Smt.Sudevi Chandrakant Bhaje.
2. Gajanan Ramling Mulage.
3. Narshing Bhairu Kokane.
4. Ashok Shankar Patil. ... Applicants.

Versus.

The State of Maharashtra. ... Respondent.

Shri Ujwal R.Agandsurve for the Applicants.

Shri A.S.Gadkari, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 11th October, 2005.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned A.P.P. for the State.

2. The offence alleged against the Applicants is under section 302 read with section 34 of the Indian Penal Code. The allegation of the prosecution seems to be that the deceased was having illicit relationship with the Applicant No.1 and he continued the relationship despite the protests by several persons. The F.I.R. has been lodged by the wife of the deceased which records that the deceased left his house on 9th June 2005 in the night and on the next day his dead body was found. The first informant has implicated the present Applicants, though she has not stated that she is an eye witness. The death appears to have been

caused due to strangulation by rope.

3. A perusal of the statement of the complainant and the other witnesses shows that none of them have seen the Applicants committing the offence. There is no dispute that there is no direct evidence available against the Applicants. There is no recovery made at the instance of the Applicants. The charge-sheet has been already filed. Considering this state of affairs, a case is made out for enlarging the Applicants on bail.

4. Hence the following order is passed:

(i) The Applicants shall be enlarged on bail in connection with C.R.No.83 of 2005 registered with Akkalkot North Police Station, subject to furnishing a personal bond of Rs.10,000/- each with one or two sureties in the like amount.

(ii) The bail is granted subject to condition that the Applicants will report to the concerned Investigating officer once in a fort-night.

(iii) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement or

threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The Applicants shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicants to delay the trial may be a ground for cancellation of bail.

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) Application is disposed of in above terms.

(vii) The parties to act upon an authenticated copy of this order.

Judge.